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February 11, 2000

Ms. Magalie Roman Salas
Federal Communications Commission
Office of the Secretary
445 12th Street SW, Room TW-B204
Washington DC 20544

Re: WT Docket No. 99-366 / RM8267

Dear Ms. Salas:

The Washington State Department of Transportation, Aviation Division is the agency responsible for Air Search and Rescue and for locating activated emergency transmitters in Washington State. We are very strongly opposed to authorization of the widespread sale or distribution of the Personal Locator Beacon (PLB) to the general public without some very strong safeguards.

The State of Washington was the first government in the United States to require use of emergency transmitters. In 1967, the Washington State Legislature required use of the Downed Aircraft Rescue Transmitter (DART) on general aviation aircraft used for hire. This program was used by the Federal Aviation Administration in developing the Emergency Locator Transmitter (ELT) program still in existence today. At the time emergency transmitters were not required on vessels or air carrier aircraft. Many states determined that the costs of location for these transmitters be paid by the aviation community. In this state pilots must register with the state and pay an annual fee which is legally required to be used for Search and Rescue.

When the federal government decided to implement the requirement that certain vessels must carry an Electronic Positioning Radio Beacons (EPIRB), the decision was made to place the beacons on the same frequency as the ELT and to transmit the same tones. No method of funding search for these beacons was provided and as a result the aviators of many of the states are paying to find EPIRBs. Neither the satellites, nor the individuals who are tracking a signal can tell whether it is an ELT or and EPIRB until it is located. In Washington we are now up to an average false alarm rate of over one a day. The rate of false to actual emergency activations is approximately 99:1, and that is using a very loose definition of the word emergency.

We understand the theory that the 406 MZH component will allow for some discrimination. Unfortunately, in our experience, the discrimination is illusory. The current experience is that vessel and air carrier aircraft 406 MZH activation results in a location based on the 406 MZH component which is significantly different than the location provided by the 121.5 MZH component. In some recent cases the difference is a location with the 406 MZH component as far away as Florida, a location with the 121.5 component nearly 150 miles from Seattle, and the vessel is actually located at the Port of Seattle. As a result we frequently must search two different locations in the state. Since there is no way to pin the 121.5 MZH component to the 406 MZH component except by actually physically locating the unit, we end up risking two sets of searchers who finally end up at the same location.

For many agencies this system already seems out of control because we cannot certainly identify, except in rare cases, that a 406 MZH signal is associated with a 121.5 MZH signal. Frequently the 121.5 MZH component is operating improperly and the satellite provides multiple possible locations from one signal source. Because any, or all, of the signals may be real, we must act on all locations. In addition, since there is no way of quickly determining whether the units are on a vessels or aircraft it frequently requires the United States Coast Guard to respond also. It is not infrequent for Coast Guard vessels and aircraft, two or three county sheriff Search and Rescue units, and two or three of our search aircraft to be responding to one inadvertent activation. The addition of another type of emergency transmitter, with a potentially unlimited distribution, is a terrifying proposition. We believe the Search and Rescue system will be unable to respond to the flood of false alarms and lives which could have been saved will be lost.

We believe the experience of Alaska will be found to be extremely atypical. The aviators of Alaska are far more knowledgeable concerning wilderness operations and survival than those in the continental United States. We believe the average Alaskan also has more knowledge and respect for the wilderness than the average individual in the continental United States who wanders around the wilderness. We would expect Alaskans to be far more respectful of the units, provide better maintenance, and be far more knowledgeable of the conditions. Many of the individuals we search for in the continental United States have no respect for nature, know nothing of the wilderness, do not care for their equipment, and should never have stepped off of the asphalt. Why would we expect them to be any more responsible in the care and use of PLBs?

We strongly recommend that if PLBs are permitted, a five hundred percent (500%) excise tax be placed on the units at time of manufacture or import. The funds to be placed in a Search and Rescue fund, administered by the United States Air Force Rescue Coordination Center (USAFRCC), Langley AFB, Virginia, to be disbursed to reimburse agencies for locating PLBs. As a result, the funds necessary for the immense expansion of the Search and Rescue System necessary to accommodate PLBs will be available.

We have heard there is the thought that the 121.5 MZH component of the Search and Rescue Satellites (SARSAT) will be disabled sometime in the future and all alerts will be by 406 MZH activation. Our experience with 406 MZH units indicates a not infrequent situation where the 406 MZH portion does not function while the 121.5 MZH portion does function, or vice versa.

Whether or not an individual state should, or would, wish to assume management of the PLB function, depends entirely upon where that state fits in the Search and Rescue System. Currently, the State of Washington is alerted to emergency transmitter activation by the USAFRCC. The USAFRCC and the United States Coast Guard work closely together to ensure only one agency is responding to an incident. We would insist that PLB activations in Washington State be reported to the USAFRCC, that they coordinate that information with other data they may have received, then transmit the information to the Washington State Department of Transportation Aviation Division. We will then ensure the appropriate responding agencies are notified or dispatched.

We would strongly recommend that PLB notification and data *NOT* be issued to any agency not responsible for locating other types of emergency transmitters within their jurisdiction. To split responsibility for PLBs from other emergency transmitters will ensure loss of life. If one agency is responding to a PLB and another agency responding to what appears to be an disassociated signal, the chance of a midair collision between search aircraft becomes extreme. Remember, activation of a PLB in a wilderness area will result in launch of a search aircraft to provide quick response and a ground team will be dispatched for follow-up.

As proposed the rule amounts to an unfunded mandate to the jurisdictions responsible for the management of Search and Rescue. Notwithstanding the financial burden, there is a liability issue as well. Please give careful and measured consideration to this proposal and its impacts.

Sincerely,

Bill Brubaker
Director, Aviation Division

BB:cl
cc: Larry Andriesen, FAA
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